IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 736 of 2005.
Date of Decision: November 27, 2006.

Gian Singh & Ors. ....**Petitioners**

through
Mr. K.S.Dadwal, Advocate

Versus

A.R.Talwar & Ors. ...**Respondents**

through
Mr. G.S.Cheema, Sr. DAG, Punjab.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This Contempt Petition has been filed, *inter-alia*, alleging willful and intentional disobedience of the judgments and decrees passed by the learned Civil Court which were upheld by this Court vide order dated 18th January, 1983 passed in RSA No.27 of 1983 (Annexures P-1 to P-3). The petitioners further allege willful disobedience of the judgment dated 28.1.2002 passed by this Court in CWP No.10749 of 2000 (Annexure P-4).

It may be mentioned here that vide the afore-stated civil Court judgments and decrees, the State of Punjab and its authorities in the Forest Department, were restrained “from interfering in any manner in the peaceful possession of the plaintiffs over the land fully detailed in the head-note of the judgment or from auctioning, cutting or removing the trees standing in the land”. Vide judgment (Annexure P-4), passed in the afore-stated writ petition, this Court had directed the Divisional Forest Officer,

Pathankot to reconsider the application moved by the petitioners for cutting of trees from their land, in the light of the judgments and decrees passed by the learned Civil Court.

In sum and substance, the petitioners' claim is that despite the afore-stated Court orders, they are not being permitted to cut **Khair** trees from their land, which, according to the petitioners, have become dead.

In response to the show cause notice, reply/affidavits have been filed by the respondents in which a stand has been taken that the land belonging to the petitioners is “Forest land” and notifications dated 5.1.1904 (Annexures R-4 and R-5) have been issued to this effect under the Indian Forest Act. Thus, the stand of the respondents is that in view of the directions issued by the Apex Court in the case of **T.N.Godavarman Thirumulkpad v Union of India & Ors., 1997(2) SCC, 267**, the petitioners can not be permitted to cut the trees.

After hearing learned counsel for the parties, this petition is disposed of with liberty to the petitioners to move an appropriate application before the Hon'ble Supreme Court so that their claim for cutting of the alleged dead trees can be considered by the Empowerment Committee constituted by their Lordships for effective implementation of the directions issued by the Apex Court in **T.N.Godavaranman Thirumulkpad's case (supra).**

Disposed of.

Rule discharged.

November 27, 2006. **(SURYA KANT)**
dinesh **JUDGE**